

**Town of Shrewsbury - Board of Selectmen
Richard D. Carney Municipal Office Building-Selectmen's Meeting Room
100 Maple Avenue
Monday, September 10, 2007 at 7:00 PM**

Minutes

Present:

Bruce Card, Maurice DePalo, John Lebeaux, James McCaffrey, Moira Miller, and Daniel Morgado, Town Manager. Mr. DePalo called the meeting to order at 7:02pm.

Preliminaries:

1. Approve bills, payrolls and warrants, #0819 in the amount of \$319,052.88, #0820A in the amount of \$121,745.00, and #0822 in the amount of \$1,311,435.38. Motion made, seconded and unanimously approved.
2. Approve minutes August 29, 2007. Motion made, seconded and unanimously approved.
3. Announcements: Mr. McCaffrey advised that tomorrow is the 6th Anniversary of the horrific event that took place in New York City, the Pentagon and in a Pennsylvania field on September 11, 2001. There will be a candlelight vigil on the Town Common tomorrow evening at 8:00pm this vigil has been organized by a group from Oak Middle School in observance of the anniversary. Ms. Miller added that groups from the high school Republican and Democrat Clubs were meeting at the Town Hall at 6:00pm for an observance of 9/11 and then marching to the Town Common to join the vigil. Mr. Card offered the Board's congratulations to Sharon Yager on achieving certification from the Mass. Association of Councils on Aging as a COA Director
4. Town Manager's Report. Nothing other than what is on the Agenda.

Meetings:

5. 7:00pm - Sign BAN Renewal – SELCO, Treasurer Carolyn Marcotte. Mr. DePalo reviewed the renewal and advised that Ms. Marcotte was unable to attend tonight's meeting and asked for a vote. Motion was made to approve the renewal of a \$1,000,000. 3.90 percent Bond Anticipation Note of the Town dated September 14, 2007 and Payable November 21, 2007 to Eastern Bank at par. Motion was seconded and unanimously voted to approve and sign the BAN renewal.
6. 7:05pm - 40B Discussion/Decision. Mr. Lebeaux and Mr. McCaffrey recused themselves from the discussion in order to avoid the appearance of a conflict of interest. Mr. DePalo noted that the Board had received some inquiries asking what they had done to make Fairfield back out of the process. He advised that the Board had done nothing but ask probing questions. Fairfield withdrew of their own volition. Mr. DePalo noted that at this point AvalonBay is the only project on the table. The Board can either vote to do nothing and let nature take its course or decide to endorse the AvalonBay project. If the Board chooses not to go forward then there is a very definite probability that a developer would come in with a project and the town would be faced with something they did not want. Mr. Card and Ms. Miller both stated with all the work that has already gone into this project it would be a shame not to do something and agreed that the Board should move forward. Mr. DePalo concurred. AvalonBay had proposed a phased approach to the number of units to be built starting with 444 with the option for 502. Ms. Miller proposed a goal of as many units as needed to maximize the mitigation package and minimize the impact on town services and schools. A phased development of 400 units over a period of time would get the town to the state requirement and would not jeopardize a 40R payment and it would leave the door open for a Fairfield or Building 19 development. Mr. DePalo added that Avalon would also have to work out the situation with WBDC. At this point Mr. DePalo asked Michael Roberts, Stephen Schwartz, and Robert Moss of AvalonBay to come forward and join the discussion. Mr. DePalo asked if they were comfortable with a phased approach of a development of 400 units. Mr. Roberts stated that they are willing to work with the town on this approach. A discussion ensued regarding achieving a 40R designation for the project. Mr. Schwartz stated that the best way to handle this issue is to deal with DHCD directly and Avalon will work with the town on this. Mr. DePalo stated that the town would call on its state representatives to help if needed. He added that Avalon must also straighten out any problems with Wheelabrator and WBDC as part of the agreement. Mr. Morgado added that the reason for going with the 400 units is to get the 4 year protection offered by 40R and to get the payments. Mr. Schwartz said that the state is looking at a 3 year grace period for 40R developments. Mr. Roberts assured

the Board the Avalon has the ability to work things out with the state. Mr. DePalo asked if the Board was ready to proceed with AvalonBay. Ms. Miller and Mr. Card indicated that they were. Ms. Miller moved that the Board enter into a Local Initiative Project (LIP) and associated regulatory agreements with AvalonBay Communities Inc. to construct 400 units of housing pursuant to General Laws Chapter 40B and/or Chapter 40R on a parcel of land located on CenTech Boulevard provided satisfactory binding agreements and/or memorandums of agreement are signed between the parties that provide for:

1. A total mitigation payment of \$3,926,162 as outlined on the sheet entitled "Avalon at Shrewsbury Hills – Proposed Mitigation".
2. That all other permit fees and charges that are customarily due on this type of multi-family construction are paid.
3. That AvalonBay Communities, Inc. meet with the Worcester Business Development Corporation to work out a joint development agreement.
4. That AvalonBay Communities meet with representatives of Wheelabrator-Millbury, Inc. to fully understand the scope and nature of the development of Phase V of the Landfill.
5. That AvalonBay Communities, Inc. pay to the Town a sum of money to upfront the costs to be incurred to present to Town Meeting a proposal to adopt Chapter 40R zoning for the parcel.
6. That AvalonBay Communities, Inc. use all its resources to gain a four year certification of the Town's Housing Production Plan.
7. Construction subject to the mutual agreement between the Board and AvalonBay Communities, Inc. on design standards and site plan.

Motion was made, seconded, and unanimously voted to approve the agreement.

Mr. DePalo added that the Board would still like to see a mixed use project on the Spags store or warehouse property.

Mr. Lebeaux and Mr. McCaffrey rejoined the meeting.

Public Hearings:

7. 7:30pm – Iandoli Austin's II, Inc. d/b/a Austin Liquors, 20 Boston Turnpike. Change of Manager from Andrew Navakoski to Mark Elliott for their All Alcohol Retail Package Goods Store License. No other changes. William Iandoli, president of Iandoli's, and Mark Elliott were present. Mr. Iandoli advised the current manager has been transferred to their Worcester store and they would like to make Mr. Elliott the manager of record at the Shrewsbury store. No other changes are planned. Mr. DePalo advised that all reports from department heads were favorable. He asked for questions from the Board and seeing none opened the hearing to the public. As there was no public comment, motion was made, seconded and unanimously voted to close the hearing. Motion was made, seconded and unanimously vote to approve the application of Iandoli's Austin, II d/b/a Austin Liquors, 20 Boston Turnpike, for a change of manager from Andrew Navakoski to Mark Elliott. Motion was seconded and unanimously approved.
8. 7:45pm - Adelphi, Inc. d/b/a Knights of Columbus, 206 So. Quinsigamond Avenue. Change of Manager from Thomas Ryan to Michael Mazzola for their All Alcohol Club License. No other changes. Atty. Kevin Byrne, William Cusson, president of Adelphi, Inc., and Mr. Mazzola were present. Mr. Card recused himself from the discussion to avoid the appearance of a conflict of interest. Mr. Byrne advised that the Knights of Columbus would like the change their manager from Thomas Ryan to Michael Mazzola, no other changes are planned. Mr. DePalo advised that reports from all department heads were favorable. Mr. DePalo asked for questions from and Board and as there were none he opened the hearing to the public. Seeing none, motion was made, seconded and unanimously voted to close the hearing. Motion was made to approve the application of Adelphi, Inc. d/b/a Knights of Columbus, 206 So. Quinsigamond Avenue for a change of manager from Thomas Ryan to Michael Mazzola. Motion was seconded, and voted to approve with four in favor and one abstention.

Old Business:

New Business:

9. St. Mary's Catholic Church, 18 Summer Street, License for Family Festival, Friday, September 21, 2007, 5:00pm-11:00pm, Saturday, September 22, 2007, 12:00 noon-11:00pm, Sunday, September 23, 2007, 12:00 noon-6:00pm. Motion was made, seconded and unanimously voted to approve the application of St. Mary's Church for a Family Festival for the dates and hours as stated in the application.
10. St. Mary's Catholic Church, 18 Summer Street, One Day Wine & Malt Beverages License for Family Festival, Friday, September 21, 2007, 5:00pm-11:00pm, Saturday, September 22, 2007, 12:00 noon-11:00pm, Sunday, September 23, 2007, 12:00 noon-6:00pm. Motion was made, seconded and unanimously voted to approve the application of St. Mary's Church for a One Day Wine & Malt Beverages License for the dates and hours stated in the application.

Executive Session:

11. Collective bargaining, pending litigation and value of real property.

Communications:

12. Noted copy mailed: E-mail from John Lukach, 4 Bunker Hill Road, re Chapter 40B/R Proposals – Selection.
13. Noted copy mailed: Planning Board Meeting Agenda, 9/6/07.
14. Noted copy mailed: E-mail from Art Minklein, 39 Cortland Grove Drive, re The U.S. Flag Code. Will post the code on the Town web site. Mr. Minklein to be informed.
15. Noted copy mailed: E-mail from Kevin O'Brien, 18 Thistle Hill Drive, re Chapter 40B.
16. Noted copy mailed: Letter from Parks, Recreation & Cemetery Director Angela Snell to Home Depot re Home Depot's Community Unity Project at Dean Park.
17. Noted copy mailed: Letter from June Tomaiolo, Trillium Investment Corp. re land donation. Hold for Town Meeting.
18. Noted copy mailed: Notice from Waterman Design re MEPA Site Visit for Route 20 & Cherry Street Project.
19. Noted copy mailed: E-mail from Paula Vincequere, 74 Maury Lane, re Proposal.
20. Noted copy mailed: U.S. Conference of Mayors update and membership dues for FY08. Board voted not to join.
21. Noted copy mailed: Municipal Benchmarking Newsletter – August 2007.
22. Noted copy mailed: E-mail from Mark Olson, MedStar Ambulance, Inc., re Ambulance Service. Mr. Morgado will respond.
23. Noted copy mailed: School Committee Meeting Agenda, 9/5/07.
24. Noted copy mailed: Letter from Mark Donahue, Esq., Fletcher, Tilton & Whipple, re Fairfield Residential, LLC. Withdrawal letter.
25. Noted copy mailed: Information from MEMA & Dept. of Conservation & Recreation re Hazard Mitigation Grant Program.
26. Noted copy mailed: Memo from Director of Public Health, Nancy Allen re Mass. Recycles Paper Campaign. Motion was made, seconded and unanimously voted to adopt the resolution.
27. Noted copy mailed: Letter from U.N. Assoc. of Greater Boston re 62nd Anniversary of the United Nations.
28. Noted copy mailed: Municipal Coalition for Affordable Housing Newsletter, Issue Number 3, 8/30/07.
29. Noted copy mailed: Mass. Dept. of Revenue Bulletin - 2007-07B, "What's New in Municipal Law."
30. Noted copy mailed: Notice of Hearing from ABCC for Zante, Inc. d/b/a Sophie's. Continuation of violations hearing.

Motion was made, seconded, and unanimously voted to adjourn at 8:31pm. On a roll call vote Mr. McCaffrey, yes, Mr. Lebeaux, yes, Ms. Miller, yes, Mr. Card, yes, and Mr. DePalo, yes.

Respectfully submitted,

Janice C. McCoy
Secretary